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be those established in parts 15 and 15a of title 15, Code of Federal Regulations.

[53 FR 47686, Nov. 25, 1988]

FEES AND PAYMENT OF MONEY

§ 1.16 National application filing fees.

(a) Basic fee for filing each application for an original patent, except provisional, design or plant applications:

By a small entity (§ 1.9(f))—\$380.00
By other than a small entity—\$760.00

(b) In addition to the basic filing fee in an original application, except provisional applications, for filing or later presentation of each independent claim in excess of 3:

By a small entity (§ 1.9(f))—\$39.00
By other than a small entity—\$78.00

(c) In addition to the basic filing fee in an original application, except provisional applications, for filing or later presentation of each claim in excess of 20 (Note that § 1.75(c) indicates how multiple dependent claims are considered for fee purposes.):

By a small entity (§ 1.9(f))—\$9.00
By other than a small entity—\$18.00

(d) In addition to the basic filing fee in an original application, except provisional applications, if the application contains, or is amended to contain, a multiple dependent claim(s), per application:

By a small entity (§ 1.9(f))—\$130.00
By other than a small entity—\$260.00

(e) Surcharge for filing the basic filing fee or oath or declaration on a date later than the filing date of the application, except provisional applications:

By a small entity (§ 1.9(f)).....\$65.00
By other than a small entity.....\$130.00

(f) Basic fee for filing each design application:

By a small entity (§ 1.9(f))—\$155.00
By other than a small entity—\$310.00

(g) Basic fee for filing each plant application, except provisional applications:

By a small entity (§ 1.9(f))—\$240.00
By other than a small entity—\$480.00

(h) Basic fee for filing each reissue application:

By a small entity (§ 1.9(f))—\$380.00
By other than a small entity—\$760.00

(i) In addition to the basic filing fee in a reissue application, for filing or later presentation of each independent

claim which is in excess of the number of independent claims in the original patent:

By a small entity (§ 1.9(f))—\$39.00
By other than a small entity—\$78.00

(j) In addition to the basic filing fee in a reissue application, for filing or later presentation of each claim (whether independent or dependent) in excess of 20 and also in excess of the number of claims in the original patent (Note that § 1.75(c) indicates how multiple dependent claims are considered for fee purposes.):

By a small entity (§ 1.9(f))—\$9.00
By other than a small entity—\$18.00

(k) Basic fee for filing each provisional application:

By a small entity (§ 1.9(f)).....\$75.00
By other than a small entity.....\$150.00

(l) Surcharge for filing the basic filing fee or cover sheet (§ 1.51(c)(1)) on a date later than the filing date of the provisional application:

By a small entity (§ 1.9(f))—\$25.00
By other than a small entity—\$50.00

(m) If the additional fees required by paragraphs (b), (c), (d), (i) and (j) of this section are not paid on filing or on later presentation of the claims for which the additional fees are due, they must be paid or the claims must be canceled by amendment, prior to the expiration of the time period set for reply by the Office in any notice of fee deficiency.

NOTE: See §§ 1.445, 1.482 and 1.492 for international application filing and processing fees.

[56 FR 65151, Dec. 13, 1991, as amended at 57 FR 38194, Aug. 21, 1992; 60 FR 20221, Apr. 25, 1995; 60 FR 41022, Aug. 11, 1995; 61 FR 39587, July 30, 1996; 61 FR 43400, Aug. 22, 1996; 62 FR 40452, July 29, 1997; 62 FR 53182, Oct. 10, 1997; 63 FR 67579, Dec. 8, 1998]

§ 1.17 Patent application processing fees.

(a) Extension fees pursuant to § 1.136(a):

(1) For reply within first month:

By a small entity (§ 1.9(f))—\$55.00
By other than a small entity—\$110.00

(2) For reply within second month:

By a small entity (§ 1.9(f))—\$190.00
By other than a small entity—\$380.00

(3) For reply within third month:

By a small entity (§ 1.9(f))—\$435.00
By other than a small entity—\$870.00

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- (4) For reply within fourth month:
 By a small entity (§ 1.9(f))—\$680.00
 By other than a small entity—\$1,360.00
- (5) For reply within fifth month:
 By a small entity (§ 1.9(f))—\$925.00
 By other than a small entity—\$1,850.00
- (b) For filing a notice of appeal from the examiner to the Board of Patent Appeals and Interferences:
 By a small entity (§ 1.9(f))—\$150.00
 By other than a small entity—\$300.00
- (c) In addition to the fee for filing a notice of appeal, for filing a brief in support of an appeal:
 By a small entity (§ 1.9(f))—\$150.00
 By other than a small entity—\$300.00
- (d) For filing a request for an oral hearing before the Board of Patent Appeals and Interferences in an appeal under 35 U.S.C. 134:
 By a small entity (§ 1.9(f))—\$130.00
 By other than a small entity—\$260.00
- (e)-(g) [Reserved]
- (h) For filing a petition to the Commissioner under a section listed below which refers to this paragraph—\$130.00
- § 1.182—For decision on a question not specifically provided for.
 § 1.183—To suspend the rules.
 § 1.295—For review of refusal to publish a statutory invention registration.
 § 1.377—For review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
 § 1.378(e)—For reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
 § 1.644(e)—For petition in an interference.
 § 1.644(f)—For request for reconsideration of a decision on petition in an interference.
 § 1.666(c)—For late filing of interference settlement agreement.
 § 5.12—For expedited handling of a foreign filing license.
 § 5.15—For changing the scope of a license.
 § 5.25—For retroactive license.
- (i) For filing a petition to the Commissioner under a section listed below which refers to this paragraph—\$130.00
- § 1.12—For access to an assignment record.
 § 1.14—For access to an application.
 § 1.41—To supply the name or names of the inventor or inventors after the filing date without an oath or declaration as prescribed by § 1.63, except in provisional applications.
 § 1.47—For filing by other than all the inventors or a person not the inventor.
 § 1.48—For correction of inventorship, except in provisional applications.
- § 1.53—To accord a filing date, except in provisional applications.
 § 1.55—For entry of late priority papers.
 § 1.59—For expungement and return of information.
 § 1.84—For accepting color drawings or photographs.
 § 1.91—For entry of a model or exhibit.
 § 1.97(d)—To consider an information disclosure statement.
 § 1.102—To make an application special.
 § 1.103—To suspend action in application.
 § 1.177—For divisional reissues to issue separately.
 § 1.312—For amendment after payment of issue fee.
 § 1.313—To withdraw an application from issue.
 § 1.314—To defer issuance of a patent.
 § 1.666(b)—For access to an interference settlement agreement.
 § 3.81—For a patent to issue to assignee, assignment submitted after payment of the issue fee.
- (j) For filing a petition to institute a public use proceeding under § 1.292—\$1,510.00
- (k) For processing an application filed with a specification in a non-English language (§ 1.52(d))—\$130.00
- (l) For filing a petition:
 (1) For the revival of an unavoidably abandoned application under 35 U.S.C. 111, 133, 364, or 371, or
 (2) For delayed payment of the issue fee under 35 U.S.C. 151 (§ 1.137(a)):
 By a small entity (§ 1.9(f))—\$55.00
 By other than a small entity—\$110.00
- (m) For filing a petition:
 (1) For revival of an unintentionally abandoned application, or
 (2) For the unintentionally delayed payment of the fee for issuing a patent (§ 1.137(b)):
 By a small entity (§ 1.9(f))—\$605.00
 By other than a small entity—\$1,210.00
- (n) For requesting publication of a statutory invention registration prior to the mailing of the first examiner's action pursuant to § 1.104—\$920.00 reduced by the amount of the application basic filing fee paid.
- (o) For requesting publication of a statutory invention registration after the mailing of the first examiner's action pursuant to § 1.104—\$1,840.00 reduced by the amount of the application basic filing fee paid.
- (p) For submission of an information disclosure statement under § 1.97(c)—\$240.00

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(q) For filing a petition to the Commissioner under a section listed below which refers to this paragraph—\$50.00.

§ 1.41—To supply the name or names of the inventor or inventors after the filing date without a cover sheet as prescribed by § 1.51(c)(1) in a provisional application.

§ 1.48—For correction of inventorship in a provisional application.

§ 1.53—To accord a provisional application a filing date or to convert a nonprovisional application filed under § 1.53(b) to a provisional application under § 1.53(c).

(r) For entry of a submission after final rejection under § 1.129(a):

By a small entity (§ 1.9(f))—\$380.00

By other than a small entity—\$760.00

(s) For each additional invention requested to be examined under § 1.129(b):

By a small entity (§ 1.9(f))—\$380.00

By other than a small entity—\$760.00

[56 FR 65152, Dec. 13, 1991, as amended at 57 FR 2033, Jan. 17, 1992; 57 FR 32439, July 22, 1992; 58 FR 38723, July 20, 1993; 58 FR 45841, Aug. 31, 1993; 59 FR 43740, Aug. 25, 1994; 60 FR 20221, Apr. 25, 1995; 60 FR 41022, Aug. 11, 1995; 61 FR 39587, July 30, 1996; 62 FR 40452, July 29, 1997; 62 FR 53182, Oct. 10, 1997; 62 FR 61235, Nov. 17, 1997; 63 FR 67580, Dec. 8, 1998]

§ 1.18 Patent issue fees.

(a) Issue fee for issuing each original or reissue patent, except a design or plant patent:

By a small entity (§ 1.9(f))—\$605.00

By other than a small entity—\$1,210.00

(b) Issue fee for issuing a design patent:

By a small entity (§ 1.9(f))—\$215.00

By other than a small entity—\$430.00

(c) Issue fee for issuing a plant patent:

By a small entity (§ 1.9(f))—\$290.00

By other than a small entity—\$580.00

[63 FR 67580, Dec. 8, 1998]

§ 1.19 Document supply fees.

The Patent and Trademark Office will supply copies of the following documents upon payment of the fees indicated:

(a) Uncertified copies of patents:

(1) Printed copy of a patent, including a design patent, statutory invention registration, or defensive publication document, except patent or statutory invention registration containing color drawing:

(i) Regular service—\$3.00

(ii) Overnight delivery to PTO Box or overnight fax—\$6.00

(iii) Expedited service for copy ordered by expedited mail or fax delivery service and delivered to the customer within two workdays—\$25.00

(2) Printed copy of a plant patent in color—\$15.00

(3) Copy of a utility patent or statutory invention registration containing color drawing (see § 1.84(a)(2))—\$25.00

(b) Certified and uncertified copies of Office documents:

(1) Certified or uncertified copy of patent application as filed

(i) Regular service—\$15.00

(ii) Expedited regular service—\$30.00

(2) Certified or uncertified copy of patent-related file wrapper and contents—\$150.00

(3) Certified or uncertified copies of Office records, per document except as otherwise provided in this section—\$25.00

(4) For assignment records, abstract of title and certification, per patent—\$25.00

(c) Library service (35 U.S.C. 13): For providing to libraries copies of all patents issued annually, per annum—\$50.00

(d) For list of all United States patents and statutory invention registrations in a subclass—\$3.00

(e) Uncertified statement as to status of the payment of maintenance fees due on a patent or expiration of a patent—\$10.00

(f) Uncertified copy of a non-United States patent document, per document—\$25.00

(g) To compare and certify copies made from Patent and Trademark Office records, but not prepared by the Patent and Trademark Office, per copy of document—\$25.00

(h) Additional filing receipts; duplicate; or corrected due to applicant error—\$25.00

[56 FR 65152, Dec. 13, 1991, as amended at 57 FR 38195, Aug. 21, 1992; 58 FR 38723, July 20, 1993; 60 FR 41022, Aug. 11, 1995; 62 FR 40452, July 29, 1997]

§ 1.20 Post issuance fees.

(a) For providing a certificate of correction for applicant's mistake:

(§ 1.323)—\$100.00